

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Michael Gonidakis, <i>et al.</i> ,	:	
	:	Case No. 2:22-cv-773
Plaintiffs,	:	
	:	
v.	:	Chief Judge Algenon Marbley
	:	
Frank LaRose,	:	Magistrate Judge Elizabeth Deavers
	:	
Defendant.	:	Three-Judge Panel Requested
	:	

**GONIDAKIS PLAINTIFFS' ADDITIONAL NOTICE
THAT THEY SEEK THE THIRD PLAN**

Now come Plaintiffs Michael Gonidakis, Mary Parker, Margaret Conditt, Beth Vanderkooi, Linda Smith, Delbert Duduit, Thomas W. Kidd Jr., and Ducia Hamm ("Plaintiffs"), by and through undersigned counsel, and provide additional notice that they seek the implementation of the Third Plan rather than the Second Plan as requested in their Amended Motion for Preliminary Injunction (ECF No. 10).

As this Court found at the March 14 Local Rule 65.1 conference, much has changed in Ohio's election landscape since the Complaint and the First Amended Complaint were filed. (ECF Nos. 1, 8). Most significantly, the Ohio Districting Commission broke its impasse and passed a Third Plan that now requires approval by the Ohio Supreme Court.

Plaintiffs' requested relief changed given these events. As stated on March 14, Plaintiffs now seek the implementation of the Third Plan. While it is not their preference, Plaintiffs understand that Secretary of State Frank LaRose has already started moving in that direction, making the Second Plan an undesirable remedy. At this point, "there is simply no time" for the

county boards of election to move to a different plan and still carry out the May 3 primary. (ECF No. 71, PageID # 1040).

This change in requested relief does not meaningfully alter Plaintiffs' Amended Motion for Preliminary Injunction. (*See* ECF No. 10). Without approval by the Ohio Supreme Court, the Third Plan remains tentative. Plaintiffs' voting rights and related rights could be eliminated at a moment's notice. Insecure voting rights are no rights. This violates the U.S. Constitution. (*See id.*, PageID # 541). Alternatively, the old state legislative districts apply. This too violates the U.S. Constitution. (*Id.*, PageID # 540). And lost in the back-and-forth between the Ohio Redistricting Commission and the Ohio Supreme Court are Plaintiffs' right to speak with and learn about their candidates and otherwise engage in the electoral process. This violates Plaintiffs' right to associate provided by the First Amendment. (*Id.*, PageID # 542). This Court implementing the Third Plan resolves these constitutional issues.

For all these reasons, Plaintiffs clarified at the March 14 Local Rule 65.1 conference that they seek the implementation of the Third Plan adopted by the Ohio Redistricting Commission. This filing serves as additional notice. Alternatively, this Court may, when setting the briefing schedule (*See* ECF No. 68), provide a date by which Plaintiffs may file a First Supplemental Complaint addressing the most recent post-Complaint events under Fed. R. Civ. P. 15(d) along with a supporting Motion for Preliminary Injunction.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 16, 2022, a copy of the foregoing was filed electronically.
Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.
Parties may access this filing through the Court's system.

/s/Donald C. Brey
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